

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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**ROBIN LUKOWSKI, ROBERT LUKOWSKI, DAVID  
JENSEN, THOMAS CASTIGLIONE, TERI DURSO, and  
ROBERT HEIECK,**

**NOTICE OF MOTION**

*Plaintiffs,*

Civil Action No.  
08-CV-6098 (T)

-VS-

**THE COUNTY OF SENECA, LEO CONNOLLY,  
JAMES R. LARSON, RICHARD SWINEHART, JACK  
STENBERG, CHRISTOPHER CONSTABLE, SCOTT  
BUCK, JAMES SINICROPI, and  
FINGERLAKES1.COM, INC.,**

*Defendants.*

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**PLEASE TAKE NOTICE:**

**MOTION BY:**

Defendant, James R. Larson, by his  
attorneys, Hiscock & Barclay, LLP.

**DATE, TIME & PLACE:**

November 12, 2009 at the Western District  
Federal Courthouse, 100 State Street,  
Rochester, New York.

**SUPPORTING PAPERS:**

Attorney affirmation of Robert M.  
Shaddock, Esq. dated October 15, 2009.

**RELIEF DEMANDED:**

An order pursuant to FRCP 60(b)(6) and/or  
for renewal/reconsideration of this Court's  
prior Decision and Order denying that  
portion of defendant Larson's motion for  
judgment on the pleadings to dismiss the  
second cause of action and such other and  
further relief as to the Court seems just,  
proper, and equitable.

**GROUND FOR RELIEF:**

FRCP 60(b)(6).

**NATURE OF ACTION:**

42 U.S.C. §1983.

**DEMAND FOR ANSWERING AFFIDAVITS:** Answering affidavits, if any, must be served in accordance with Local Rules of Civil Procedure 7.1(c) and 56.1(e). Movant intends to file and serve reply papers and opposing party is therefore required to file and serve opposing papers at least eight business days prior to return date of this motion.

**DATED:** October 15, 2009

**HISCOCK & BARCLAY, LLP**

By: /s/ Robert M. Shaddock  
Robert M. Shaddock

*Attorneys for Defendant*  
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CERTIFICATE OF SERVICE

The undersigned, Robert M. Shaddock, Esq., hereby certifies that on October 15, 2009, I electronically filed the foregoing Notice of Motion dated October 15, 2009 with the Clerk of the District Court using the CM/ECF system, which sent notification of such filing to the following:

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Respectfully submitted,

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